

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH GORDON WESCOTT,

Defendant.

Case No. 2:14-cr-00085-APG-CWH

**ORDER DENYING MOTION OF  
JUDICIAL MISCONDUCT AGAINST  
MAGISTRATE JUDGE HOFFMAN**

(ECF No. 325)

Defendant Kenneth Wescott filed a motion claiming Magistrate Judge Hoffman engaged in misconduct by denying Wescott a *Faretta* hearing. He requested as relief that I conduct a *Faretta* hearing. I subsequently conducted a *Faretta* hearing (ECF No. 329), so this portion of his motion is moot.

To the extent Wescott wants to file a judicial misconduct complaint under 28 U.S.C. § 351, he must do so by filing it with the clerk of the court for the Ninth Circuit. *See* 28 U.S.C. § 351(a) (“Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts . . . may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.”). I therefore deny the motion to the extent it seeks relief in this court because this is not the proper forum for resolving a § 351 complaint.

IT IS THEREFORE ORDERED that defendant Kenneth Wescott’s motion of judicial misconduct against Magistrate Judge Hoffman (ECF No. 325) is **DENIED**.

Dated: February 8, 2017.

  
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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE